

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Mykeal Jovan Greene

Docket No. 4:10-CR-105-1FL

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mykeal Jovan Greene, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute 50 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on May 7, 2013, to the custody of the Bureau of Prisons for a term of 108 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On February 6, 2015, the defendant's custodial sentence was reduced from 108 months to 86 months imprisonment in the custody of the Bureau of Prisons.

Mykeal Jovan Greene was released from custody on April 14, 2017, at which time the term of supervised release commenced. A Violation Report was submitted to the court on September 28, 2017, advising of the defendants use of marijuana in July and August 2017. Supervision was continued pending the defendant's participation in mental health and substance abuse treatment. On November 9, 2017, a Motion for Revocation was filed, alleging four violations of supervised release. The defendant's supervised release was revoked on December 7, 2017, and he was sentenced to "time served" followed by 52 months of supervised release, under the same conditions previously imposed, along with a special condition that the defendant enter and successfully complete the Fellowship Home of Raleigh Recovery Program.

Greene was released from custody on December 7, 2017, at which time the second term of supervised release commenced. A Motion for Revocation was filed on March 27, 2018, alleging three violations of supervised release. At the revocation hearing on May 24, 2018, the motion for revocation was denied based upon positive strides the defendant had made, and the court continued the defendant on supervised release. The defendant was also ordered to enter and successfully complete the Fellowship Home of Raleigh recovery program, and until such time that he could re-enter the program, he was ordered to adhere to a curfew with location monitoring. Greene re-entered Fellowship Home of Raleigh on May 29, 2018.

On June 5, 2018, a Violation Report was forwarded to the court which advised of the defendant's arrest for the offenses of Trafficking in Cocaine and Conspire to Traffic in Cocaine. This also resulted in the defendant's removal from Fellowship Home of Raleigh. Supervision was continued pending receipt of information from local law enforcement. A Status Report was submitted to the court on August 24, 2018, updating the court on the defendant's progress and participation in another treatment program, in addition to some of the circumstances surrounding the defendant's aforementioned arrest. It was recommended the defendant's supervision continue pending a disposition of the charges in state court. Those charges are still pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant failed to submit to urinalysis testing in October 2018, as part of his participation in the Surprise Urinalysis Program. When instructed to report to the probation office on November 1, 2018, by 4:15 p.m. to submit to testing, he reported at 5:00 p.m. and submitted a diluted specimen. He was instructed to return the following day to submit another test, and he failed to report as directed. The defendant also failed to submit to testing on November 27 and December 20, 2018. On November 5 and November 29, 2018, the defendant submitted diluted urine specimens. On December 4, 2018, the defendant submitted a urine sample that returned positive for the presence of marijuana. When

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confronted with the result on December 20, 2018, the defendant stated he used on Thanksgiving with his brothers. Since December 2017, the defendant has been in some form of recovery house for approximately eight (8) months. It appears the defendant has had difficulty transitioning to independent living, including his relationships with others. In lieu of returning to court, it is recommended the defendant be given one more opportunity to comply with the conditions of supervision by modifying the conditions to include participation in a cognitive behavioral program as directed by the probation office. This will afford the defendant the chance to continue to work on his thought patterns, decision making skills, and assist the defendant with setting and achieving realistic goals. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: January 04, 2019

ORDER OF THE COURT

Considered and ordered this 7th day of January, 2019, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge